

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
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IN RE:

LESLEY L. NIEUWKERK,

Debtor.
-----X

tmd3574/nk
DECEMBER 7, 2018
9:30AM

Chapter 13
Case No: 1-18-42994-ess

**NOTICE OF SETTLEMENT OF
PROPOSED ORDER DISMISSING CASE**

SIRS/MESDAMES:

PLEASE TAKE NOTICE, that an Order of which the within is a true copy will be presented for settlement to the Honorable Elizabeth S. Stong, U.S. Bankruptcy Judge, at the United States Bankruptcy Court at 271 Cadman Plaza East, Brooklyn, New York on December 7, 2018, at 9:30AM.

PLEASE TAKE FURTHER NOTICE, that counter-orders must be presented and served upon the undersigned no later than three (3) days prior to the settle date set forth above, and if no counter-order is presented and served, the attached Order may be signed.

Date: Jericho, New York
November 26, 2018

s/Marianne DeRosa
MARIANNE DEROSA, CH 13 TRUSTEE
125 JERICO TURNPIKE; SUITE 105
JERICO, NY 11753
(516) 622-1340

tmd3574/nk
THIS ORDER RELATES TO A
HEARING HELD ON
NOVEMBER 19, 2018

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 1-18-42994-ess

LESLEY L. NIEUWKERK,

ORDER DISMISSING CASE

Debtor.

-----X

UPON the October 26, 2018 written application of Marianne DeRosa, Chapter 13 Trustee, (the "Trustee") seeking entry of an Order dismissing the instant Chapter 13 case pursuant to 11 U.S.C. §1307(c) and due notice of the aforesaid application having been given to all necessary parties; and

WHEREAS, on November 19, 2018, the Trustee appeared in support thereof, no one appeared on behalf of the Debtor, and Suzanne Youssef, Esq. appeared on behalf of Wells Fargo Bank, N.A.; and

WHEREAS, Debtor's Counsel filed a letter at docket number 31 indicating there were no grounds in law or fact to oppose dismissal; and

WHEREAS, the Debtor's proposed plan is not sufficiently funded to pay secured claims in full as required by 11 U.S.C. §1325(a)(5), and the Debtor's supporting budget, Schedules I and J, does not indicate an ability to increase the plan payments; and

WHEREAS, the Debtor failed to commence making Chapter 13 plan payments to the Trustee, as required by 11 U.S.C. §1326(a)(1); and

WHEREAS, the Debtor failed to comply with the disclosure requirements of E.D.N.Y. LBR 2003-1; and

WHEREAS, each of the foregoing constitutes cause for dismissal of a Chapter 13 case; it is accordingly

ORDERED, that the instant Chapter 13 case be dismissed pursuant to 11 U.S.C. §1307(c) of the Bankruptcy Code.

Dated: Brooklyn, NY
 , 2018

Hon. Elizabeth S. Stong
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE

Chapter 13 Case No: 1-18-42994-ess

LESLEY L. NIEUWKERK,

CERTIFICATE OF SERVICE
BY MAIL

Debtor.

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This is to certify that I, Nathan Z. Kaufman, have this day served a true, accurate and correct copy of the within Notice of Settlement and proposed Order Dismissing by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Lesley L. Nieuwkerk
100-21 31st Avenue
East Elmhurst, NY 11369

Mark E Cohen, Esq.
108-18 Queens Blvd, 4th Fl, Ste 3
Forest Hills, NY 11375

Woods, Oviatt, Gilman LLP
700 Crossroads Bldg, Two State St
Rochester, NY 14614

This November 26, 2018

s/ Nathan Z. Kaufman
Nathan Z. Kaufman, Staff Attorney
Office of the Standing Chapter 13 Trustee
Marianne DeRosa, Esq.
125 Jericho Turnpike, Ste 105
Jericho, NY 11753
(516) 622-1340

Index No: 1-18-42994-ess
UNITED STATES BANKRUPTCY COURT:
EASTERN DISTRICT OF NEW YORK

IN RE

LESLEY L. NIEUWKERK ,

Debtor.

**NOTICE OF SETTLEMENT, ORDER DISMISSING CASE
and
CERTIFICATE OF SERVICE**

**MARIANNE DeROSA, TRUSTEE
125 JERICHO TURNPIKE STE 105
JERICHO, NY 11753
(516) 622-1340**
